

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEITH ELLIS,
DESMOND SINGH,
RONALD T. CLIFFORD,
MARVIN A. HOLLAND,
ANTWON ROGERS,
SIDDIQ ABDUL HAMID,
Plaintiffs,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

Civil Action No. 06-305 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on December 22, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 170], filed on November 18, 2008, recommended that Defendants' motion to dismiss or in the alternative for summary judgment [Doc. No. 124] be granted. It was further recommended that to the extent Plaintiffs have attempted to bring either a procedural or substantive due process claim, it should be dismissed for failure to state a claim pursuant to the authority granted to the Court under the Prison Litigation Reform Act.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiffs by certified mail and on Defendants. Objections were filed by Plaintiff Keith Ellis on December 1, 2008 [Doc. No. 171]; no other objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation and Plaintiff Keith Ellis' objections thereto, the following order is entered:

AND NOW, this 23rd day of February, 2009;

IT IS HEREBY ORDERED that Defendants' motion to dismiss or in the alternative for summary judgment [Doc. No. 124] is GRANTED. IT IS FURTHER

ORDERED that to the extent Plaintiffs have attempted to bring either a procedural or substantive due process claim, such claim is DISMISSED for failure to state a claim pursuant to the authority granted to this Court under the Prison Litigation Reform Act.

The Report and Recommendation [Doc. No. 170] of Magistrate Judge Baxter, filed on November 18, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge